IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 8215 of 1995

Between:

1 Garipalli Ramachandraiah S/o. Rajaiah
R/o. H.No. 11-12/1, 11-3-12/1, Bharat Nagar,

Siddipet, Madek Dist.
2 Komma Venkatesham S/o. Shankaraiah
H.no. 11-3-10, Bharat Nagar, Siddipet, Medak.
3 Manchala Subadra W/o. Laxmi Narayana
r/o. Mirdoddi Village & Mandal, Dist., Medak.
4 Manchala Laxmi Narayana S/o. Mallaiah
r/o. Mirdoddi Village & Mandal, Dist,. Medak.
5 Veera Mallu Radhabai W/o. Kistaiah
r/o.H.no. 9-2-31, Gandhi Road, Siddipet, Medak.
6 Veera Mallu Shekaram S/o. Narayana
Dubbak Mandal, Dist,. Medak Habsipur Village.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Siddipet,
Medak District.
2 The Revenue Divisional Officer, Siddipet,
Medak District.
3 The District Collector, Medak at Sangareddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction declaring the action of the respondents herein in trying to interfere with petitioners peaceful possession and enjoyment of 470 sq. yards belonging to petitioner No.1 and 2 herein, 510 square yards belonging to petitioner 3 and 4 herein, 1005 sq. yards belonging to petitioners No.5 and 225 sq. yards belonging to Petitioner No.6 herein situate in S.No. 1907/17 of Linga Reddypally Village and Siddipet Revenue Village and Mandal, Medak District and also trying to demolish their compound walls and other structures raised thereon, as illegal, violative of principles of natural justice, without any authority of law, arbitrary and unreasonable and hence violative of Fundamental Rights guaranteed to the petitioners under Articles 14, 21 of the Constitution of India and also violative of the rights guaranteed under Art. 300-A of the Constitution of India and issue a consequential direction to the respondents herein not to interfere with our above said lands and not to demolish the compound walls and other structures raised thereon.

Counsel for the Petitioners: MR.M.RAJAMALLA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed seeking a writ in the nature of direction declaring the action of the respondents in trying to interfere with the petitioners' peaceful possession and enjoyment of various extents of land in Sy.No.1907/17 situate in Linga Reddypally Village of Siddipet Revenue Mandal of Medak District.

In the affidavit, filed in support of the writ petition, it is stated that the petitioners 1 and 2 have purchased an extent of 470 sq.yards, petitioner No.3 purchased 360 sq. yards, petitioner No.4 purchased 150 sq. yards, petitioner No.5 purchased 1005 sq. yards and petitioner No.6 purchased 225 sq. yards of land situate in Sy.No.1907/17 of Linga Reddypally Village of Siddipet Revenue Mandal, Medak District respectively from one Suddala Ramachandram and Bhongir Raja Lingam under various registered sale deeds. The narration of the facts in the affidavit, filed in support of the writ petition, disclose that all the petitioners have purchased the land in question through various registered sale deeds from one Suddala Rama Chandram and one Bhongir Raja Lingam. The vendors of the petitioners have purchased the land in question from one Perugu Mallaiah through registered sale deed dated 19.04.1968. It is the case of the petitioners that though they are in possession of the land in question by virtue of their purchase from their vendors through registered sale deeds, the respondents are trying to evict them from the land in question and they have also demolished the compound wall which was constructed around their plots and other structures raised on the land in question.

In the counter affidavit filed on behalf of the respondents, it is stated that the land in question was the assigned land, and, transfer in their favour, as claimed by the petitioners, is in violation of the provisions of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977. It is also stated that the Mandal Revenue Officer passed the orders in proceedings No. D/839/87, dated 22-12-1992 to resume the land of the petitioners under the provisions of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977.

It is now stated, that orders are passed for eviction of the petitioners on 22-12-1992 in proceedings No. D/839/87, but, the said orders are not questioned in the present Writ Petition. Inasmuch as it is stated that the petitioners have purchased the extent of land as claimed by them under various registered sale deeds after obtaining permission under Section 47 of the A.P. (Telangana Area) Tenancy and

Agricultural Lands Act, 1950, and, also in view of the fact that they were not notified by any notice before issuance of the eviction proceedings dated 22-12-1992, I dispose of the Writ Petition, permitting the petitioners to file an appeal against the orders dated 22-12-1992 before the appellate authority with in a period of six weeks from the date of receipt of this order. If such appeal is filed, within the period indicated above, the appellate authority shall receive the same and pass appropriate orders. Till the disposal of the appeal by the appellate authority, status quo as on today shall be continued. If the petitioners fail to file such appeal within the stipulated period, it is open for the respondents to take such steps in accordance with law.

Subject to above directions, the writ petition is disposed of. No order as to costs.

_____ (R.SUBHASH REDDY, J)

10.12.2004

DR/Msnr.

To

1 The Mandal Revenue Officer, Siddipet,
Medak District.
2 The Revenue Divisional Officer, Siddipet,
Medak District.
3 The District Collector, Medak at Sangareddy.
4 2CCs to Government Pleader for Revenue, High Court

Buildings, Hyderabad. (OUT)

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